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IN THE
SUPREME CCURT OF THE UNITED STATES

October Term, 1979

No.

79-2005

VICTOR SHARROW, Pro-Se
Plaintiff-Petitioner
Crompond, N.Y. 10517
tel. 914-528-5819

vs.

ELIZABETH HOLTZMAN
Defendant-Respondent
1452 Flatbush Avenue
Brooklyn, N.Y.

PETITION FOR A WRIT OF CERTIORARI

To The

UNITED STATES COURT OF APPEALS

For The

SECOND CIRCUIT

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2nd Cir. Ct. No. 79-7252

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1979

VICTOR SHARROW, Pro-Se
Plaintiff - Petitioner
Crompond, N.Y. 10517
tel. - 914-528-5819

vs.

ELIZABETH HOLTZMAN
Defendant - Respondent
1452 Flatbush Avenue
Brooklyn, N.Y.

Appeal from the Eastern District Court of the Southern District of New York, and from the United States Second Circuit Court of Appeals, Foley Square, N.Y., N.Y.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

This Petition For A Writ of Certiorari is being filed within the 90 day time limit of the highly irregular final denial of the request for A Oral Rehearing En Banc of January 31, 1980.

CERTIORARI MUST BE GRANTED to:

1 - Conform to the constitutional command that -

a - Only a "he" and not a "she" can run for or be elected a Representative. (Art. 1, Sect. 2, Cl.2, and Art. 1, Sect. 6., Cl. 2)

b - A Representative can only be elected from a Congressional district, apportioned under the constitutional computational command of Section 2 of the 14th Amendment, that admittedly was not done in this case.

2 - And "when an action is filed challenging the constitutionality of the apportionment of congressional districts"(three judge court order 28 U.S.C. 2284(a), as was done in this case, a three judge court had to be convened -but wasn't.

3 - Confirm the First Amendment Right to Write and Speak about the Constitution of the United States, that 18 Judges of the Second Circuit have already taken Judicial Notice of, without being hurt and punished for trying to uphold and enforce the constitution, and in this, the SIXTH attempt, having to put up a $250.00 bond, for the first time, in violation of my First Amendment Rights, to quote and write what the Constitution COMMANDS, that the Second Circuit has taken Judicial Notice of in the first two suits, trying to enforce Constitutional apportionment more than twenty years ago, that should stop now, at long last.

4 - Make the courts obey the laws and rules of the court, by granting requested default judgements when a private defendant does not answer within twenty days and has illegal, ineligible counsel of record.

5 - Make the inferior courts respond to the legal points raised by the plaintiff, with direct reasons.

6 - Make hard and fast rules when a case must be heard, and a decision must be written, because in cases 1, 2 & 6, the Second Circuit Court of Appeals wrote decisions, though erroneously, while in cases 3,4 & 5 no decisions were written. While in the District Courts in cases 1, 2, & 3, sham substitutes for trials were held,&in cases, 4, 5 &6 there were no trials held, with no decision in District Court 4, and horrible decisions battling "straw men" in 5&6.

7 - And in case number 5 where there was no District Court trial, that violated the right to "Standing" in the two 1978, North Carolina Duke Nuclear 77-262 77-375 Power Company cases, And in the 2nd Circuit Court of Appeals, again there were illegal, ineligible counsel of record, as noted by District Judge Broderick, and yet the Court of Appeals upheld, such acknowledged illegal and ineligible counsel, who was never granted the right to appear as counsel in the case, to asses me again with costs in violation of my First Amendment Right to Write and Speak the Constitutional truth.

8 - And the rules in every court as almost every clerk has told me are so changeable, voluminous and inconsistent, that they all ought to be revised like New York has, to be written in plain clear short English.

9 - In case number 5, it took Ms. McFarland of the Supreme Court's Clerk's Office 21 days to return my briefs, beyond the 90 day filing date.

9(cont'd) Ms. McFarland wrote I was missing a docket sheet, but no where in the Supreme Court rules do I find such a requirement, nor was a docket sheet appended in the Appendix of two bound brief's she sent me. After I wrote her about other seemingly U.S. Supreme Court errors in the Rules, she sent me forms for indigent incarcerated, poor prisoners, that did not apply to me. After writing a critical, scathing letter, she called me up personally, talking for more than 35 minutes, which would have been unnecessary if the Supreme Court had shorter, clearer rules.

10 - Your table of contents and appendix both cite Rule 11 page 7 for time to file appeals, but that's not entirely true or clear either, What about rule 10, page 6, and rule 13, page 8?

11 - The Pro-Se clerk of the 2nd Circuit, informed me I can ignore rule 15 J, page 12, notifying the 2nd Circuit Court of Appeals I intend to appeal to the Supreme Court. Is that true?

12 - On April 4, 1980, a Supreme Court Deputy Clerk wrote me, "The copies of the opinions of the lower court on long legal sized paper may not be folded into the appendix." raises a multitude of questions. Like why not? Or why not write the lower court decisions on Rule 39, 6-1/8 by 9-1/4 Supreme Court mandatory size, or why not write Supreme Court briefs on legal size paper for one simple reason? Copied decisions can be inadvertently or purposefully mistyped. President Carter missed two whole pages from his last State of the Union message that were stuck together, and nobody even noticed it!

13 - In addition to making a hardship of changing paper sizes, why is it necessary for a plaintiff-petitioner, especially Pro-Se to go through the expense of printing 40 copies? Gideon v Wainwright, the indigent Florida, electrician prisoner supposedly appealed on one pencil written yellow scratch sheet, and was granted certiorari and won, so why burden others with so much extra finances - to prevent, poor or people of moderate means from appealling legitimate constitutional cases? Your rules should be revised:

14 - As to Rule 33(2b) page 29, I do not know that the 2nd Circuit Court of Appeals "pursuant to 28 U.S.C. 2403, certified to the Attorney General the fact that the constitutionality of such Act of Congress was drawn in question.", so why have Rules the courts don't read or obey?

15 - In referance to the aforementioned highly irregular final denial of the request for A Oral Rehearing En Banc, denied on January 31, 1980, The first denial I got was dated January 4, 1980, followed by the January14, 1980, 10 day later retraction, without my doing anything, "This order is a complete nullity and the suggestion for rehearing en banc is still pending." What goes on? Law should be clear,concise, and as regular and quick acting as Ex-Lax. Law should be as reliable as Ex-Lax.

16 - CERTIORARI SHOULD BE GRANTED for a myriad of other reasons including my showing you how to write, better, clearer, more concise, readable, rationable, reasonable opinions that don't have to be privately explained

over and over again out of court, like the July 2, 1979, Gannett v DePasquale, 77-1301 opinion in which the plaintiffs from the very beginning until the very end, had no "standing" to be in a really MDOT case, and yet the Supreme Court decided the case on the substantive merits, which should happen in this case too, by granting certiorari, and not violating my First Amendment rights to write and speak in the Supreme Court, where it counts the most.

17 - The Supreme Court should grant Certiorari to heed their more recent April 15, 1980 advice in their 8-1 Justice Powell decision in Roberts v. U.S., No. 78-1793 of our obligation "to report known criminal (and unconstitutional) behavior", in the words of Justice Powell, upholding consecutive prison terms for narcotic offenses, "Indifference to the duty to report known criminal behavior remains a badge of irresponsible citizenship. By declining to cooperate, petitioner rejected an obligation of community life that should be recognized before rehabilitation can begin."

19 - Grant Certiorari because more than 20 years ago I recognized my obligation to my communities life when New York had already lost 2 Representatives and is slated to lose their 10th or 11th Representative, because Section 2 of the 14th Amendment has not been enforced, and therefore will lead to the 10th or 11th Presidential Elector loss (Art. II, Sec. 1, Cl. 2) to lose our national political and financial clout, that has led to my being excessed from the position I held more than 11 years, because of the budget crunch, that has lead to physical illness.

19(cont'd) My being excessed from my more than 11 year position, and ensuing sickness due to the budget crunch, and highly irregular and inconsistent legal cases came before President Carter's current budget-balancing cut-backs on city and State aid, while increasing by billions military aid, is also a grievous threat to my pension during New York's monetary crisis aggravated by the President's mounting man made depression and recession, that could be possibley partially prevented if New York did not send 14 BILLION dollars per year more to Washington, than New York gets back annually, while southern and western states get more millions per year, than they send to Washington, according to both N.Y. Democratic Senator Moynihan, and Texas Senator Bentsen, especially if New York had 10 more Representative and 10 more Presidential Electors, rather than losing 10 of each, for a difference of 20 more national Representatives and Presidential Electors, if Section 2 of the 14th Amendment were enforced.

20 - Certiorari should be granted to re-enforce Chief Justice Warren Burger's two brilliant decisions on who has "standing" in the June 26, 1978 Duke Power, 77-262, and Nuclear Regulatory 77-375 cases, that states monetary amounts are eliminated and "even in the context of taxpayers' suits" it is not constitutionally mandated, but "simply a prudential limitation", the exact point I raised in case number 2, erroneously cited by District Judge Edward Weinfeld. No harm need be shown, but only an Art. III, "case or controversy".

So writes Chief Justice Burger in the two Duke power Co. cases, "Where a party champions his own rights, and where the injury alleged is a concrete and particularized one which will be prevented or redressed by the relief requested, the basic practical and prudential concerns underlying the standing doctrine are generally satisfied when the constitutional requisites are met."

21 - Certiorari should be granted to review the unconstitutional "standing doctrine" that does not appear in the constitution, although under section 2 of the 14th Amendment in one sentence it mentions "MALE" three times and 21 year old citizen, twice, which gives me the none constitutional "standing" doctrine, to have "standing".

22 - Certiorari should be granted to consider whether any defendant is required, to raise the constitutional rights denied a plaintiff, as in this 14th Amendment case, in lieu of the 14th Amendment case of April 16, 1980, Justice Brennan's 5-4 no. 70-1779, Owen v City of Independence, based upon his likewise 5-4, 1978 case of 75-1914 Monell v N.Y., which holds that, it allows private suits for money damages against "every person" who acting "under color of" state law, deprives another person of constitutional or civil rights.

23 - Under this correct upholding of political and monetary awards for the deprivation of constitutional and civil rights, against municipalities, and States, the same should

hold true in upholding monetary awards and deprivation of constitional and civil rights, of not enforcing Section 2 of the 14th Amendment against all government, including the federal government, raised in this private citizen vs. private citizen suit.

24 - In 1976 if Jimmy Carter had lost the Presidential New York Electors, he would have lost the Presidential Election to Gerald Ford, although Carter would still have had a plurality of the diminishing minority of voters who refuse to use their domocratic right to vote due to tremendous dissillusionment of the people in inner White House Oval office deposed and criminally incarcerated criminals and Congressional Abscam "Sting" bribe takers.

25 - Certiorari should be granted for the Supreme Court to rule on the right of a citizen to challenge the unconstitutional election of a "she" instead of a "he" not elected from a congressional district apportioned under "14/2", just as the Supreme Court passed on the Constitutional qualifications for seating Adam Clayton Powell on June 16, 1969, in Powell v. McCormack, 305 U.S.486, and especially in view of the fact that President Jimmy Carter sensing a grave political potential threat of losing the Presidency if Representative John B. Anderson, of Illinois runs as an Independent, has decided to take legal action to block Anderson from getting on the ballot in every state Anderson files as an Independent, which challenge is for President Carter's protection of his political rights as this case is to protect

my political rights. (see N.Y. Times, Thurs. April 10, 1980, pg. B16,col. 1)

26 - In August of 1979, Senator Berch Bayh could not get the necessary Art. V, "two-thirds" of the Senate to pass a Constitutional amendment for a direct election of the President which means the Presidential Electors of Art. II, Sec. 1, Cl. 2, passed, on the apportionment of "14/2" is going to remain in effect, which is why the Supreme Court must grant certiorari to pass on the simple constitutional command that "14/2" superceded the Art. 1, Sec.2,, Cl.3, "three fifths of all other persons" when the 13th Amendment freed all the slaves, necessitating the writing of a new constitutional apportionment formula in 1866, ratified on July 9, 1868, and not changed in almost 102 years, even though we are 12 Amendments further, upto XXVI, with an amendment to grant Washington, D.C. 2 Representatives and one Senator floating around, that does not look like it will be ratified, so a plan to grant Washington, D.C. statehood, like Alaska and Hawaii, by mere Congressional enactment is afoot, plus the overdue and questionable Elizabeth Holtzman sponsored, less than "two-thirds", three year extension of the Equal Rights Amendment, and the first time in history, State started call for a Constitutional Convention, supposedly for a balanced budget, that can turn out to be more dangerous than a wild maverick.

27 - The reason why the direct election of the President was defeated, was because the minority groups have greater political power under the Presidential Electoral process, as was shown when

Senator Ted Kennedy drastically upset the pollsters on primary day by defeating President Carter, 59% to 41%, instead of the other way around for a change of 36% points on primary day, was because of the strong and active support of the New York State Union of Teachers, whose membership was the amount by which Kennedy defeated Carter, and the dissillusionment of Carter's Israel voting blunder and worse explanation in the U.N. vote, with the Jewish voters, with which two points of view I sympathize with, and without enforcing "14/2", such "liberal?" political clout would be lost, which is why the Berch Bayh direct election of President was lost, and I am not to lose that constitutional clout, if "14/2" is enforced.

28 - Certiorari should be granted to revise the rule prohibiting electronic taping of court procedures, because in the first erroneous District Court trial it was very costly to get the erroneous transcription of what the elderly court stenographer thought he heard, and in the 4th and 5th Court of Appeals case, where there was no court stenographer, the taping machine broke down, and in the 3rd Court of Appeals, Chief Judge Irving Kaufman grudgingly consented to letting me tape the proceedings, since the court's taping machine was visibly on, as I got, on tape, Chief Judge Kaufman's unsolicited testimonial, of my brilliant humorous, learned delivery which proved of no consequences, when Chief Judge Irving

In case no. #5 Violation,

Kaufman on his own volition without consulting the plaintiff or defendant, sent the case to the boondocks of New Haven, Connecticut, against the objections of both sides, for a 5 minutes oral presentation, 45 minutes before court was supposed to ordinarily convene. Even after I wrote and submitted a motion against such high handed illegal action, I was turned down. But being nervy, I wrote a second more scathing motion reminding him of his N.Y. Times Magazine article complaining of his being denied his first amendment rights to speak before outside audiences with long memories in his role in the execution of Julius and Ethel Rosenberg, did he recant, and recall the case to New York City where it should have been at all times under the rules of the court.

29 - However the Supreme Court should decide when is a Court of Appeals, a Court of Appeals, because the 5th case was recalled to New York City, again allotting only 5 minutes, again 45 minutes before the regular convening of court, but there was only one member of the Court of Appeals sitting with two district court judges, and the case was not heard in the Court of Appeals, after the case had not even been heard by a District Judge, in a District Court to begin with. Is this law? And in addition to which the I.R.S. has been auditing our income taxes, as retaliatory harrassment, although everytime the harrassment is just shown for what it is harrassment, for trying to uphold and enforce the constitution.

30 - Certiorari should be granted to order the I.R.S. to cease and desist and instead of charging me with fines, illegal dishonest printing costs, and forfeiture of a $250.00 bond for the first time in six cases, for being right every time, I should be awarded attorney fees for 20 years under the Supreme Court's Alyeska Pipeline Service Company v Wilderness Society, and subsequent cases, that is stated in the 1975 Voting Rights extension of the 1965 voting rights act, that by congressional recognition recognized voting denial and abridgements still abound that states in Public Law 94-73, Laws of the 94th Congress - 1st Sess. 42 U.S.C. 1973-1, Sec 402(e) "In any action or proceeding to enforce the voting guarantees of the fourteenth and fifteenth amendments, the court in its discretion may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs." And it should be done in this case too.

421 U.S. 40

31 - The 1975 Voting Rights Act superceeding the 1965 Voting Rights act that recognized that Section 2 of the 14th Amendment denial and abridgement of the right to vote still exists, which mandates the enforcement of "14/2", says over and over again, such as in Sec. 205 Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth and fifteenth amendment", as I have been insisting for 20 years for which I should be paid and rewarded, instead of having to be punished and pay for, for being right, all the time.

32 - To bring the 1975 Voting Rights Act right up to date is the Monday, April 7, 1980 decision of Federal District Judge Wilbur D. Owens of the Middle District of Georgia, in Sumter County, in Americus, Georgia, the home county of President Jimmy Carter and former Attorney General Griffin Bell, that the elective system denied, diluted, discriminated, abridged the right to vote for blacks, that the American Civil Liberties Union lawyer said meant, "What the apportionment means is that blacks can now run for office." Enforce Section 2 of the 14th Amendment apportionment, now, by granting certiorari.

33 - Even the highly questionable, undemocratic concept of certiorari should be discussed when certiorari is granted, especially when the inferior courts (Art. III, Sec. 1) act inferior as only partially enumerated before. I was also not admitted to the Bar, without being told a single reason, of any sort why. Is all this legal?

34 - When granting certiorari maybe we ought to discuss seperating the necessity of being admitted to a State Bar before being admitted to the Federal Bar. Why shouldn't it be two seperate and distinct legal entities. If you need a case at Bar, I can supply it. I know more deep and learned constitutional law than anyone. I've been married for almost 40 years, and live in our own house for 37 years. We owe nobody any money, including the I.R.S. I don't drink, smoke, gamble, and would make a perfect example to discuss the need to separate admission to the State and federal bar.

35 - Stanley F. Reed, and I went to the same Duke University, Durham, North Carolina health clinic which lead him to live the longest life of any former Supreme Court Justice until his death a few weeks ago in upstate New York. He practiced law, and was the Solicitor General for Franklin Delano Roosevelt, who appointed him to the Supreme Court though neither of them graduated from law school, which I did, although without any derogatory statements or witnesses or reasons, I was not admitted to practice law, after I passed the Bar, which the Supreme Court should look into when granting certiorari in the position as head of the United States judicial system, because then and now I am willing to discuss any and all personal and none personal legal and none legal points of view, which was not done then, and will not be done now, if certiorari is summarily denied without any reason stated, as it was done then, and should at long last stop now.

36 - Second Circuit Court of Appeals Judge Sterry Waterman, who also never graduated from law school, wrote the first of the three Court of Appeals decisions in the Six cases I have brought so far, to enforce "14/2" in U.S. v. Sharrow, 309 F. 2d 77 (2d Cir. 1962), which was actually an Art. I, Sec. 2, Cl. 3, "enumeration" because I wanted to raise the Art.III "case or controversy" because the "enumeration", as it is called in the constitution, not census, did not gather the necessary statistics on the "denial and abridgement" of the Right to Vote required by "14/2"

without which statistics the computational constitional command formula for apportionment purposes could not be done, and was not done as admitted by Census Director Robert Burgess, whom I personally subpoenaed in his home in Pelham, N.Y., when the federal process servers said they could not find him. And though he was the only witness at my trial before District Judge Tom Murphy, (who prosecuted Alger Hiss), who admitted my case fully, I was fined, $100.00, which fine with interest, with an apology I want when certiorari is granted this time, since I was right then, and I am right now. The none law school graduate Judge Waterman, either not recognizing that my first case was an enumeration Art. I, Sec. 2, Cl. 3 case, or maybe recognizing the prior and present proximity of the necessary proper statistics gathering for present day apportionment purposes, starts off by quoting the entire Section 2 of the 14th Amendment, at the very beginning of his decision, which was all on my side until he passed the politically hot potato to the Supreme Court that had just decided the State of Tennessee apportionment case of Baker v Carr, March 26, 1962, sent to me by Justice Brennan, two days later on March 28, 1962, that follows the sound advice of his previous mentor, the late, great Chief Justice of the New Jersey Supreme Court, Arthur T. Vanderbilt, who was Dean of N.Y.U. Law School, my alma mater, and President of the American Bar Association, which he wrote on pages 131 to 139 the basis

for all apportionment decisions including this one and Baker too, in his Indiana Press Book, "The Doctrine of the Significance of the Separation of Powers, And Its Importance Today", a book written on a series of lectures Arthur Vanderbilt gave at Indiana University, the alma mater of the late, great Harvard Law School Dean Emeritus, Roscoe Pound, who told me this personally when he wrote a letter on my behalf to have the Supreme Court grant certiorari to my case, the first time, almost 20 years ago, but to no avail, for which the court can now make amends for, as Thurgood Marshall also told me personally that the Legal Defense of the N.A.A.C.P. brought prior cases to the Supreme Court, until Brown v Bd. of Ed,, was heard and won.
Chief Justice Earl Warren's copy of Arthur T. Vanderbilt's book, should be found in the Supreme Court library, and all the other Justices got their copies from me before the Baker v Carr decision was written.
Twleve days after Second Circuit Judge Sterry Waterman sent me his decision I got a second, separate, "concurring?" opinion from then Chief Judge J. Edward Lumbard. Don't the Judges talk to each other? Why two separate 12 day apart decisions, just like the last two 27 day apart double denials of my requested Oral Re-hearing En Banc, with a 10 day re-traction inbetween, which I will have to Xerox, on the 2nd Circuits long legal size brief paper, together with the tampered with, fraudulent Docket Sheet, that hides such horrible goings on for you to decide.

37 - In Sterry Waterman's second written decision in Sharrow v Brown, 447 F. 2d 94 (2d Cir. 1971), when I sued the successor to Census Director Burgess, Dr. George H. Brown, Sterry Waterman again, for the second time in a row started off his second decision by again quoting Section 2 of the 14th Amendment, in full at the very beginning of his second written decision, going off the deep end that other judges actually laughed at when he claimed I had to go throughout the country to each county to show how I was harmed because "14/2" was not enforce, which requirement of harm can not be found in the constitution, which only calls for an Art. III "case or controversy" which requirement was met, which under the Sept. 12, 1976 "new" three judge 28 U.S. 2284a requirement, only a challenge to an unconstitutional congressional apportionment, not apportioned under "14/2" is required to convene a three judge court, that I requested, that then proceeds directly to the United States Supreme Court, I was denied, which must be reversed when certiorari is granted this time.

38 - In speaking personally to Dr. George H. Brown, the Director of the Census Bureau, in his office in Suitland, Maryland he said the same thing that he put in writing to me on October 20, 1970, through my then Congressman Ogden Reid, that, "Section 2 of the 14th Amendment was not used in 1960 and will not be used in 1970 in making these computations, inasmuch as the Congress has made no provision for implimenting this Section." (2 of the 14th Amendment.)

The courts have no discretion but to enforce "14/2" the only unenforced apportionment constitutional computational command in the existing constitution, when certiorari is granted in this case, that concerns enforcing "14/2".

39 - Under Supreme Court Rule 19-1b, pg. 16, "Considerations Governing Review on Certiorari," it says certiorari will be granted, "Where a court of appeals...has decided an important question of federal law which has not been, but should be, settled, by this court..." and this court that has by it's own volition opened the door to apportionment cases in the States, should open the door to federal apportionment under "14/2", since the principle is the same or even greater in a federated democracy, in the rule of the people under a constitution, and also decide if a "she" can run for or hold a federal position that the constitution commands should be held by a "he", that has never been ruled upon before either.

40 - Since Rule 15-1c, pg. 11 under the "Jurisdictional Statement" says, "Only the questions set forth in the jurisdictional statement or fairly comprised therein will be considered by the court." does this list of reasons for granting certiorari grow longer, to protect my personal rights, and improve and save time in court procedure.

41 - For instance I have incessantly insisted that the Judges read the briefs written before appearing in court, with written questions prepared in advance, as to where they differ with the plaintiff, and it has never happened. Don't they read?

Abe Fortas who might have been Chief Justice if he had not had a paltry $20,000.00 a year legal retainer from the financial Kentucky Derby winner tycoon, wrote that Felix Frankfurter prided himself on never reading briefs before oral arguements.

Second Circuit Judge Friendly, before whom I appeared twice, never asked any questions and never wrote an opinion.

I also appeared twice before J. Edward Lumbard, who was going to cite me for contempt because I nicely asked him, which section of the constitution controlled apportionment, angrily denouncing me, without having read Sterry Waterman's two previous decisions that started off in the very beginning by quoting "14/2" verbatim in full. Is that why he wrote a 12 day later, and separate "concurring?" opinion? What goes on?

42 - In case number 5, In Sharrow v Fish
78-7039 when I sued my own congressman from my own 25th Congressional District of New York, also to enforce "14/2", Hamilton Fish Junior first tried to have the New York State Attorney General represent him, in this private citizen vs private citizen suit, and then when he got a fraudulant permission to have the U.S. Attorney represent him, in violation of Art. I, Sec. 6, Cl. 2., not to increase his Emoluments while in office, which I objected to, and which District Judge Broderick upheld and refused such motion, meant nothing to Second Circuit Judge Meskill who allowed such illegal attornies to assess me illegal costs after they were denied the motion to represent Fish, by Judge Broderick.

43 - When certiorari is granted the same issue must be reviewed with Elizabeth Holtzman who was sued in a private citizen suit and got the attornies for the House of Representatives to Represent her although she was not sued in pursuit of her governmental function, which violated the conflicts in law statute, such as your own Rule 7, page 4, "Clerks to Justices Not to Practice". And in addition Elizabeth Holtzman, like Hamilton Fish were in such lengthy, delayed default, that when I made motions of default in both cases, they were totally ignored. Can Judges ignore laws?

44 - Certiorari should be granted just so the Supreme Court can repeat what I've written many times, that anyone who can read, can read in the constitution, that neither under the dead dodo of the Art. I, Sec. 2, Cl. 3, apportionment formula, or the superceeding formula of "14/2" is the total population and the apportionment population one and the same, even as this month's decennial census enumeration erroneously again makes.

45 - If you don't grant certiorari, there will be suits 7, 8, 9 and 10, which are a waste of time and money, that can be stopped now.

46 - The regional struggle of the "snow-belt" vs. the "sun-belt" where the south and west are winning the electoral battle, after they've controlled for decades the dictatorial, tyranical congressional committee chairmanships will leave the North East and Mid-West States, and Urban cities a blight, if "14/2" with it's political power and monetary power is not enforced now, including the personal

consequences to me, my job and my pension, that I have a right to fight to protect through this peaceful First Amendment, legal "redress of grievances"that I am not to be denied because of deminimus, demaximus or anything inbetween.
To an indifferent political person, the unconstitutional loss of political power may mean nothing, or to a rich man, hundreds of thousands of dollars may mean nothing, but to the poor and middle class, not enforcing "14/2", together with the man made recession/depression and inflation, this is GRAND LARCENY ROBBERY.
47 - For those who care about the elderly, indigent, sick, education and human welfare, "14/2" must be enforced NOW. In New York, Elizabeth Holtzman is slated to lose her seat, which is why she is running for Senator, which is likewise forbidden because "she" is a "she" and not a "he", Art. I, Sec. 3, Cl. 3., Shirley Chisholm, Robert Garcia who took Herman Badillo's seat in Congress, and Ed. Rangle of Harlem, who took Adam Clayton Powell's seat, may all lose their seats, as well as other "liberals?" in other cities, which would even deepen further the crisis in the northern cities. (see the attached N.Y. Times April 21, 1980 article, pg. A14 cols. 1&2, "Northern Congressman Find A Bane in The Energy Boom", and the pg. 35, N.Y Daily News 4 column devastating article, "The North Must Rise" showing the North to South Harsh Tax Tilt Bar Graph, and horrible cartoon showing the Federal Budget Cut axe, cracking asunder N.Y.C.)
If "14/2" is not enforced NOW::

JURISDICTION

Jurisdiction is conferred by Sec. 1254 of Title 58, U.S. Code, and Rule 23, of the Supreme Court, I could write this and let it go at that, but that would not be right, since jurisdiction is merely an extension of the reasons why certiorari must be granted if the Supreme Court of the land is to rule on and clarify "the supreme Law of the land" Art. VI, Cl. 2., of only "the Laws of the United States which shall be made in Pursuance ...(of)...This Constitution". and "decide an important question of federal law which has not been, but should be , settled by this court.", Rule 19, also noted as one of the reasons for granting certiorari.

J1 - For instance I should say that this case comes under the updated and most peculiarly unconstitutional Apportionment Act of 1929, written more than 9 years after the first and last time in the entire history of the United States, there was no apportionment of any kind, not even an erroneous or unconstitutional one, in 1920, which "equal proportions" formula was not written in "Pursuance" of the 1868 ratified "14/2" or even in the misworded February 2, 1872, Apportionment Act, that was "codified" out of existance until it appeared as Section 6 of the 1929 Apportionment Act, ago after my first case almost 20 years, which calls for the reduction of representatives, instead of the reduction of the basis of representation, which makes a hell of a difference, in Section 2 of the 14th Amendment.

J2 - Since I can not base jurisdiction on the 1929 Apportionment Act, not made in Pursuance of the Constitutional command of the "14/2" apportionment formula, making the statute a complete nullity, I must base jurisdiction directly from the 14th Amendment, as Justice Brennan accurately and brilliantly did, as I've consistently advocated in his June 5, 1979 case No. 78-5072 of Shirley Davis v Otto E. Passman, and of course the 1971 Bivens case too as Justice Brennan sums up the entire case, as should be done in the first paragraph, before lawyers get lost in excess legal verbiage, and undecipherable goobledygook, writing,

"Bivens v Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), ... that a 'cause of action for damages arises under the Constitution when Fourth Amendment Rights are violated. The issue presented for decision in this case is whether a cause of action and a damages remedy can also be implied directly under the Constitution when the Due Process Clause of the Fifth Amendment is violated. The Court of Appeals for the Fifth Circuit, en banc, concluded that 'no civil action for damages' can be thus implied. 571 F.2d. 793, 801 (1978). We granted certiorari--US-- (1978) and we now reverse."

If Bivens jurisdiction and decision on the merits derives directly from the Fourth Amendment, and Shirley Davis, who had no statutory basis for her suit derives directly out of the Fifth Amendment, then my case that should have had a three judge

28 U.S.C. 2284(a) court convened, that can not come under the jurisdiction of the complete UNconstitutionality nullity of the "equal proportions" Apportionment Act of 1929, like Bivens, and Davis, must derive jurisdiction directly out of the constitution, in this case "14/2". It is the same legal philosophy.

J3 - Keeping this not so brief, brief, but right up to date before mailing to the Supreme Court, jurisdiction and certiorari should be granted to this suit, as the court did to the 6/15 1978 Monell v N.Y.case, and the April 16, 1980, Owen v City of Independence, 70-1779 (Harry S. Truman's old home town?), both cited before and decided on the merits, based on the 14th Amendment, as the Court did again grant certiorari based on jurisdiction on the same 14th Amendment in the April 21, 1980 case of Sale v County of Suffolk,N.Y. no. 79-620, allowing a woman to sue for damages of a "strip search" by county police, after she was arrested for a minor offense.
And under the same 14th Amendment legal philosophy I should be able to sue for 20 years of damages for being denied MY RIGHT TO VOTE FOR MY CONSTITUTIONAL APPORTIONMENT OF REPRESENTATIVES AND PRESIDENTIAL ELECTORS, because the history of the ratification of the 14th Amendment was primarily to write a new apportionment formula, after the 13th Amendment, freeing the slaves, did away with the defunct, dead dodo, of counting "three-fifths of all other persons", but only if they were not denied or abridged in their right to vote, as the 1975 Voting Rights act, reaffirms.

J4 - District Court Judge Broderick without holding a trial, uni-laterally and erroneously changed the number of the Satute he claimed gave him jurisdiction to deny my right to have"standing" despite the fact that Chief Justice Burger's, prior June 26, 1978 doubley brilliant Duke Nuclear Power Co. cases, cited before, my 5th case in Sharrow v Fish was written, wrote, that even if the question of jurisdiction was not raised or considered, or noted the wrong statute, if the Supreme Court wanted to get to the merits of the nuclear case (before Three Mile Island) the Supreme Court could as Burger wrote,

"As a threshold matter, we must address the question of whether the District Court had subject matter jurisdiction over appellees claims, despite the fact that none of the parties raised this issue and the District Court did not consider it."

"Appellees right to relief...depends not on...the Price-Anderson Act itself but instead upon the the construction or application of the Constitution." - as in this "14/2" case too:

"...jurisdiction to hear appellees claims ...derived from 28 U.S.C.1331(a) ...rather than from 1337 - the jurisdictional base pleaded."

"Appellees failure to assert 1331(a) as a basis for jurisdiction in their complaint is not fatal since the facts alleged are sufficient to support such jurisdiction."

Just like in this "14/2" case too:

"Where federally protected rights have been invaded...courts will be alert to adjust their remedies so as to grant the necessary relief." Bell v Hood, 327 U.S.678 at 684 (1964).

J4(cont'd) "The question does not directly implicate our jurisdiction, see Bell v Hood...(even if the question)... was not raised in the court below , was not briefed and was not addressed during oral argument...It is enough for present purposes that the claimed cause of action to vindicate appellees constitutional rights is sufficiently substantial amd colorable to sustain jurisdiction under 1331(a)"
And the same jurisdiction holds under "14/2" too.
Then quoting the 1962 Baker v Carr apportionment case, which was of lesser political importance of only the one State of Tennessee, than the entire nation under this "14/2" suit, Chief Justice Burger wrote, "The essence of the standing inquiry is whether the parties seeking to invoke the court's jurisdiction have alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." Baker v Carr, 369 U.S. 186, 204(1962)
And the same holds true in this "14/2" suit too, as to jurisdiction. This "14/2" suit has all three prongs the Chief Justice raises of "injury in fact", "but for" causal connection, "ripe for adjudication" of a live "case or controversy, where injury would be redressed by the relief of enforcing "14/2", for the full constitutional political protection, that would lead to fuller financial protection that is devastatingly being threatened by the man made inflation, recession/deep

J4(cont'd)depression, excessing from the long held job that has led to personal sickness, which requires jurisdiction.
Since I asked for a Show Cause Order, Injunction, Default Judgement, a convening of a Three Judge 2284(a) Court, and a Declaratory Judgement, defining what my rights are, none of which were granted and totally ignored, again, in defiance of the law (what law?), it is interesting to note what the Chief Justice wrote in footnote 15, of the Duke cases "While the Declaratory Judgement Act does not expand our jurisdiction, it expands the scope of available remedies.", all of which above I wrote twice to the 2nd Circuit Court of Appeals, who don't read what I wrote, or don't comment on what I wrote, so why write briefs? And in footnote 16, the Chief Justice raises a point I raised before in this brief, and all my other briefs, that there should not be any necessity, to sue a defendant, to vindicate a plaintiff's constitutional rights, as Burger writes,"We need not resolve the question of whether Duke Power is a proper party since jurisdiction over appellees claims against the N.R.C. is established , and Duke 's presence or abscence makes no material difference to either our consideration of the merits of the controversy or to our authority to award the requested relief."
So please award the requested relief in this "14/2" suit, too, since Elizabeth Holtzman's presence or absence makes no material difference, too??

J5 - So it seems apparent that the Supreme Court's own Rule 23 (iii) The Petition for Certiorari shall contain "The Statutory provision believed toconfer on this court jurisdiction to review the judgement of decree in question by writ of certiorari." doesn't mean anything or very much, if the Supreme Court really wants to review a case, such as the just cited Chief Justice verbiage in the two Duke Power Co. cases in 1978 as confirmed by Justice Brennan's March 5, 1979, case in Orr v Orr, no. 77-1119, where after a two year delay, after never having raised the 14th Amendment "equal protection" clause, where only husbands and not wives pay alimony in Alabama, Justice Brennah writes, "We first address three preliminary questions not raised by the parties or the Alabama courts below, but which nevertheless may be jurisdictional and therefore are considered of our own motion."
So if no jurisdiction is raised by either side or the courts, the Supreme Court on it's own motion, can rectify their own Rule 23(iii) requirement if the Court wants to decide the merits of the case, or deny certiorari without explanation, even if the plaintiff fastiduously follows all the rules and regulations if the Supreme Court wants to duck the constitutional merits of the case, which the court has said so many times they try to avoid - by not granting certiorari, which is why certiorari is a denial of "due process" as much as in the Shirly Davis v Fassman case as it is in Sharrow v Holtzman, both male v female cases, except in this case there was no trial

J5(cont'd) in the District Court and a sham in the Court of Appeals, where no verbal objection or written objection was written to my two constitutional objections, that a "she" can't run for a job requiring a "he", and Section 2 of the 14th Amendment has not been enforced, depriving me of my RIGHT TO VOTE FOR MY CONSTITUTIONAL APPORTIONMENT OF REPRESENTATIVES AND PRESIDENTIAL ELECTORS, that is absolutely true, that has lead to economic excessing from my more than 11 year position, that threatens my pension, in the financially hard pressed New York City even before President Carter's budget balancing act threatens New York City and finances even more devastatingly which would not happen in an election year, if New York would gain 10 more Representatives and 10 more Presidential Electors instead of losing 10 of each for a difference of 20 Representatives and Presidential Electors, since Senator Berch Bayh's attempt to pass a direct election of President was defeated in August 1979, giving the minority voice in a major state even more political national and financial clout as I wrote before.

J6 - As just stated in this case of Sharrow v Holtzman, as in Davis v Passman, also a member of Congress, privately sued, and in Orr v Orr, the latter two of which were granted prior questionable jurisdiction and resolved on the merits for the plaintiff, partially on the basis of the same male v female controversy that will "assure that concrete adverseness which sharpens the presentation of issues upon which this Court so

J5(cont'd) largely depends for illumination of difficult constitutional questions." as Brennan writes in Orr v Orr, quoting from his own Baker v Carr, apportionment case, that Chief Justice Burger also quoted from in his two Duke Power Co. cases, which should suffice for jurisdiction and granting of certiorari in this likewise male v female case, which male most likely knows more constitutional law, atleast about Section 2 of the 14th Amendment, (and as a retired electrical contractor, if you'll pardon the intended pun) "for illumination of difficult constitutional questions." - so certiorari should be granted.

J6 - Just as Gideon v Wainwright, was granted certiorari on one hand written, penciled scratch paper, because fellow Alumnus Hugo Black, wanted to decide the case, as Anthony Lewis of the N.Y. Times wrote in his book, Gideon, the same is true of the long time ago case of Shufflin' Along Sam Thompson, the Louisville, Kentucky vagrant who was jailed, just because he was poor and had no jurisdictional statute to reach the Supreme Court, was heard by the Supreme Court, because again Hugo L. Black, wanted to reverse that untouchable, poor American untouchable, who had no jurisdictional statute to reach the Supreme Court, but did - thank God. So if the Court wants to hear a case, it hears a case, without a jurisdictional statute or not - so why not grant certiorari and hear this case too, it fits all prior court decisions on jurisdiction, and standing, for certiorari.

J6 - Even the jurisdictional command of the constitution that says "he"or "him' 23 times and never "she" or "her" in the document written by men who did not let women inherit land under primogeniture, and did not even grant them second class citizenship to run for, or hold federal office, or even vote, as the 1868 ratified Section 2 of the 14th Amendment, mentions "male" three times in one sentence, clearly states the requirement for Representative is to"be an Inhabitant of that State in which HE(emphasis added) shall be chosen." Art. I, Sec. 2, Cl. 2.
And now that Elizabeth Holtzman is running in the Democratic New York State Primary for United States Senator, it should be noted that in Art. 1, Sec. 3, Cl. 3., there is the same identical prohibition against a "she" running for the job of United States Senator to be held by a "he", in the exact same words, "be an Inhabitant of that State for which HE(emphasis added) shall be chosen." And in Art. 1, Sec. 6, Cl. 2., it nails the door shut on a "she" running for Representative or Senator by stating, "No Senator or Representative shall, during the Time for which HE(emphasis added) was elected ...or the Emoluments whereof shall have been encreased during such time", not only means that "she" can not run for or hold office in either house of Congress, as a Representative or Senator, but when sued privately can not have the attornies of the House represent Holtzman, or the U.S. Attornies represent Fish, in a conflict of interest too, in case number 5, of Sharrow v Fish. 78-7039

J7 - And just to keep this brief right up to the minute, on this male v female problem of jurisdiction and certiorari, that the court has granted is the April 22, 1980, 8 to 1, Miss-
79-381 ouri case awarding Mr. Wengler his wife's death benefits, which she would have gotten, if he had pre-deceased her as he truthfully stated on TV, that with today's inflation, the loss of her earnings through her death makes big economic problems, that I appreciate full well, as a husband of a working wife, as well. If the Davis, Orr, and Wengler cases had jurisdiction and were granted certiorari, partially on the male vs female relationship, than so does Sharrow v Holtzman, for the same reason. Right?

J8 - Actually the Direct Election of Senator, that Berch Bayh was defeated in doing, in having a direct election of President, under the April 8, 1913, XVII Amendment, did not change the gender qualification of the previous Art. I, Sec. 3, Cl. 3., and Art. 1., Sec. 6., Cl. 2., and even the miss-named August 18, 1920, Women's Right to Vote, XIX Amendment, does not say "she" or "her" or "women". Nobody is to be "denied or abridged" the right to vote "on account of sex", which includes homosexuals, lesbians, trans-vestites, and those who have trans-sexual operations like the former male opthomologist, Dr. Rene Richards, who may have been able to run for congress before, but not anymore, if "he" is now a legal "she". Oh, the problems of the legal and tennis tournament professionals, who have separate male and female tournaments.

J9 - On the same, up-to-date, April 22, 1980 male v female right to jurisdiction and certiorari of Wengler v Druggists Mutual Insurance Co. no. 79-381, is the case of Carlson v Green, no. 78-1261, expanding the plaintiff's right to sue, limited to the specific requirements of Federal law, gives Federal prisoners or their survivors a direct right to bring suits for damages against prison officials on charges of mistreatment, directly derived out of the Eighth Amendment, prohibition against cruel and unusual punishment, as Davis v Passmen, also without statutory permission permitted a plaintiff to sue for damages directly under the "Due Process" of the Fifth Amendment, as Bivens allowed for direct suit under the Fourth Amendment's, "illegal search and seizure", so why not allow jurisdiction and granting of certiorari under this "14/2" apportionment suit too, especially since the present 1929 Apportionment Act, being a complete unconstitutional nullity, not made in "Pursuance" of "14/2" can not be cited, or relied on because it is unconstitutional for the statutory jurisdictional base for granting certiorari either, that has jurisdiction coming directly out of the 14th Amendment, for certiorari to be granted?

J10 - Jurisdiction and certiorari must be granted under the other 1978 Supreme Court decisions expanding the right of plaintiff's to sue for constitutional damages such as in the 6/29/78 case of Butz v Economou, 76-709, Hutto v Finney, 76-1660, 6/23/78, and even the none juridical teensy-weensy, snail darter fish in

T.V.A. v Hill, 76-1701, 6/15/78, in addition to Monell, Duke, Orr, Passman, Wengler, Green, Bevin, Baker v Carr, Gideon, Shufflin' Along Sam Thompson, etc., etc. etc., then this case to enforce "14/2" fits in the same mold to be granted jurisdiction, and be granted certiorari, although the Supreme Court itself, doesn't seem to have any rule of regularity to pass upon a case, if they feel like accepting it or rejecting it out of hand without explanation, and not grant certiorari, in what seems to be a violation of the First Amendment, right to write, speak and peaceably "redress of grievances".

J11 - Senator Ted Kennedy's strong showing in the April 22, 1980 Pennsylvania, Democratic Primary, raises another grievious greivance why "14/2" should be enforced because of the present and impending deepening, North East and Mid-West, State and urban blighted financial crisis, that already has bankrupted the unemployment State funds, and elimination of city "liberal?" votes, is the added horrible misuse of the terrible political power of the dictatorial, undemocratic, tyrannical Congressional committee chairmanship selection, which at one time had the entire House and Senate delegations from Mississippi, and Arkansas, heading one or more committee chairmanships, while the the five biggest, most populous, most industrialized States in the Union, had no chairman of no committees in either house of Congress. That further damage to democracy, of the rule of the majority, instead of the minority, happened because "14/2" was not enforced before.

J12 - Jurisdiction and certiorari should be granted as it was in the 1/15/79 case of Leis v Flynt, 77-1618, where in a percuriam opinion from the State of Ohio, it was held, that under "pro hac vice" even if a person was an admitted attorney to a different State Bar, that attorney, or attornies, had no State stautory or federal Constitutional right to practice in any court, which is likewise true in my case no. 5 of Sharrow v Fish, where Congressman Fish after having been turned down by the New York State Attorney, "fraudulently?" had the U.S. Attornies office represent him, and in this the 6th case of Sharrow v Holtzman, congressman, had the attornies of the U.S. House of Representatives illegally represent her, although in both cases both Fish and Holtzman, were sued as private party citizens, which is why Judge Broderick refused the U.S. Attorney's motion to represent Fish, while the House of Representative attornies did not even make such a motion before Judge Platt, which in both instances was illegal, because in both instances, both the U.S. and House of Representative attornies are statutory attornies, whose duties are clearly defined and restricted, which I wrote about, citing 28 U.S.C. 540,547, which was completely ignored, never discussed and never written about in either the District Court or Court of Appeals decisions, that the Supreme Court must now grant jurisdiction, to grant certiorari to stop this illegal practice. Appearing "per curiam" and "representing" are two Seperate legal matters.

J13 - I verbally told the Judges of the 2nd Circuit Court of Appeals that one of the three House of Representative attornies who did not get up to speak, was in the courtroom, having come up from Washington, on taxpayers money, and they did nothing about it. What is the Supreme Court going to do about this squandering and illegal spending of federal funds on private law suits, that should be recouped from Holtzman, and Fish, and docking of pay and expenses from the two different sets of illegal attornies for the costs in time and printing they caused the poor taxpayers? If Fish or Holtzman were involved in private negligence, contractual, marital, family, financial, investment transactions, could federal funds and attornies, whose jobs are carefully, dilineated, and curtailed by statute, be employed to represent them, even if they could pay them? This is outrageous!!

J14 - In the two Helstoski cases, both of 6/18/79, no. 78-546, where he sued U.S. District Judge H. H. Curtis Maanor, and where the United States sued him, no. 78-349, Helstoski, a former New Jersey Congressman, sued for what he did in Congress, unlike Fish and Holtzman sued as private citizens, still had to have private attornies and was not represented by the House of Representative or U.S. Attornies. Senator Proxmire and his "Golden Fleece Award" was also sued on June 26, 1979, no 78-680 in relation to his work in the Senate, and he also had private attornies, but not Fish and Holtzman. Cong. Passman also had private atty The 21 time convicted Congressman Diggs of Detroit and Floyd of Penn-

sylvania, sued in relation to their Congressional work, had private attornies, but Fish and Holtzman did not.
All the inner oval White House convicted conspiratorial Watergate crooks, most of whom were lawyers, had private attornies, but Fish and Holtzman did not.
And although Maryland Governor Mandel has gone to prison for the same illegal practices of his predeccessor, the court confessed nolle contrende corrupt crook, who now says he would not have resigned although he was threatened for assassination, because he could have been President of the United States, if he had known then, how soon after his resignation, the President would have been forced to resign. With such "loyal?" servants, who needs outside enemies?

J15 - Two days before I sued my then and now 25th Congressional N.Y. representative Hamilton Fish Jr., I got a letter from him that I put in evidence that agreed with me 100%, that said,

"Section 2 of the Fourteenth Amendment does indeed control the number of Representatives in Congress."

With that 100% unanimity backing up what Census Director, Dr. George H. Brown wrote,

"Section 2 of the 14th Amendment was not used in 1960 and will not be used in 1970 in making these computations, in as much as the Congress has made no provision for implimenting this Section."

and yet I lost, in the 5th and 1st cases though being right. How come?

J16 - Jurisdiction and certiorari should be granted to ride herd on error making Judges like 6th District Judge Thomas Platt, who never held a trial,caused a stupid, uncalled for mistrial, for two uncalled for unfunny cracks in court, that cost millions, and let the Pope's financial Franklin Federal bank swindler,Sidona escape to Europe to be later be found guilty on 51 criminal counts by District Judge Griesa, Judge no.3, in my cases, the first of the District Judges who held no trial, who wrote in blue pen, on the brief's blue unreadable backing that could not be duplicated, that trying to enforce "14/2" is frivolous, a word that means, don't bother me I don t want to listen, don't bother me, that is a violation of "due process", as the denial of certiorari without having to give any reasons, also, whatsoever. Judge Grescia, sitting in the Socialist Worker's Party case that is still blowing up a storm of protests, of intimidations, loss of jobs, illegal breaking and entering, beatings, threats etc. is the case in which Judge Grescia cited former Attorney General Griffin Bell for contempt, if he did not deliver the necessary records to pursue the trial, which contempt citation, was not appealable under law, but the 2nd Circuit in all their infinite wisdom, defied the law, allowed the appeal, and in a 27 page opinion, said everybody is equal under the law, but George Orwell in his 1984, book which is 4 years away, big brother movement said it better,-there are firsts amongst equals. Oh yeah?

J17 - Jurisdiction and certiorari should be granted to reaffirm, what has been seemingly forgotten, that the people, and only the people, under our written constitution are the sovREIGN REIGNing rulers with all the powers that are only parceled out to local, state, and federal, legislative, executive and judicial servants, who too often forget whom they serve, so that in this case "14/2" has to be enforced under the aforementioned constitutional commands, and laws made only in "Pursuance thereof", if requested by one of the sovREIGN REIGNing rulers under the constitutional "due process" and First Amendment FREEDOM of speech, press and redress of grievances, which is what a law suit really is, if carried out properly, for those who have forgotten how to read.

J18 - The court should grant jurisdiction and certiorari to test literacy vs illiteracy, sanity vs insanity.

J19 - This lengthening brief, will be filed on time, but should not be rejected if one or two days late, thinking of all the injustices and errors that need rectification that drains one of alot of energy and emotion, that is an open and shut case, since two years ago, the Court accepted a case that was two years late in filing, knowing the negligence of too many members of the bar, especially in cases where the court in all good conscience and simple ethics, logic and morality, ought to be settled because although "14/2" has not been enforced in 111 years, it is not moot, until it is enforced.

J20 - Jurisdiction and certiorari should be granted to rectify the slovenly, erroneously if not down right fraudulent District Court and 2nd Circuit Court Docket sheets, which should be permitted to be Xeroxed to show the erroneous fraudulent missing enteries, which I am going to do, and which charge I am now raising. My Original suit filed on 10/31/78, in a private party suit, answerable in 20 days, was answered almost 3 months later on 1/29/79, and though I asked for a default on 12/26/78, 21 days after the summons was returned on 12/5/78, and again on 1/9/79 my default motion was totally ignored. I did not sue Holtzman as an "officer" of the United States for the purposes of Rule 12(a). That's a lie. Hamilton Fish's delayed response was even longer, and no default judgement was issued.

I had my wife serve Hamilton Fish, a few days after I filed my suit against him, but the Marshall's office served Holtzman who could not be found, though her office is a few blocks from the Marshall's office, for which I had to pay an extra outrageous fee, although I could have had her served the same day the suit was filed.

On 10/31/78 when the complaint was filed it does not state that I asked for what is entered on 1/9/79, (except for the default judgement) (1) a Show Cause Order(2) Default Judgement(3)Declaratory Judgement, (4) convening of a 2284 Three-Judge Court and (5)Injunction against seating Elizabeth Holtzman on Monday 1/15/79, all of which I asked for on the date the complaint was

filed on 10/31/78, but posted 100 days later on 1/9/79. Why?
The first five attempts to enforce "14/2" were filed in 2nd Circuit, of the Southern District of New York, at Foley Square, N.Y., and I never posted a bond of any kind ever. Before 2nd Circuit Judge Meskill allowed the imposition of an $166.66 fine for printing from the illegal U.S. Attornies, who told me he did not even belong to the US. Attorney's office in New York, another wrinkle to look into, I never paid any fine, and when the U.S. Attorney previously tried to do so, Judge Waterman disallowed it, and properly so.
But in the Eastern District, where Judge Platt sits, I had to post a $250.00 bond for the first time in six cases. But nowhere on the docket sheet is that found. Why not???
On the Docket sheet of the 2nd Circuit Court of Appeals, for the first time I was shocked to find a fourth name, in addition to the three names that had appeared on the briefs, illegally since as Attornies for the House of Representatives they could not represent Holtman in a private party suit.
As you can see by the doctored double entry of 1/31/80, denying oral rehearing en banc, it does not coincided with the Xeroxed copy of the first Denial of January 4th, repeal of the 14th, before final one of the 31st, from which date this 90 day appeal is being taken, although I did not get the notice till 2/6/80.

J 21 - Jurisdiction and certiorari should be granted even for such a a small thing as seeing to it that working, and better working Xerox machines are found in the court houses. The bad copy of the 2nd Circuit Docket sheet is due to the fact that since the first two I tried to use were broken, the third one had a long line and didn t work much better.

J22 - Through the magic of the TV medium I heard the Governor of Nevada say because Nevada only has three Electoral votes, Nevada does not have enough political national clout from having the 100 Billion dollar MX Missile rammed down their throats, that they do not want, despite all the money because of what that military installation will do tc their environment, and problems of shortage of water, after what the people of Nevada and livestock of Nevada have suffered in sickness and in death from the past testing of Atomic devices.
Electoral votes and Representation, do count, and has big political clout, for the individual people of a State, and I have standing, jurisdiction, and should have had the right to convene a 28 U.S.C. 2284(a) Three Judge Court when challenging, an unconstitutional congressional apportionment as it so clearly says, for anyone who can read, can read, who is not mentally unbalanced, which is what this case is primarily about so grant me THE RIGHT TC VOTE FOR MY CONSTITUTIONAL APPORTICNMENT OF REPRESENTATIVES AND PRESIDENTIAL EIECTORS BY ENFORCING THE UNENFORCED "14/2", through a Declaratory Judgement.

J23 - Jurisdiction and certiorari should be granted to enforce "14/2" to increase not decrease New York's constitutional Representative and Presidential Electoral strength, to increase New York's national political power in New York's dire economic need, that affects my personal economic and political power, especially as a minority who believes in education, is again shown in the Thursday, April 24, 1980, pg. B3, cols. 5&6, N.Y.Times headlined story "City Believes It Could Lose $424 Million in Federal Aid" annually, in the still soaring times of inflation, that I'll Xerox together with the erroneous if not downright fraudulent District Court, and 2nd Circuit Court Docket sheets, that do not show my posting of the $250.00 bond and the erroneous entries and the doctored double dishonest January 31, 1980 entries, that if I merely copied, instead of Xeroxing, would not be as proper a proof, as to what I am claiming ought to be rectified by the Supreme Court, that ought to be permitted just as the Court allows larger patent papers to be added separate from this small size 6-1/8 by 9-1/4.

J24 - And just as witnesses were allowed to testify, even after the officials caused a mis-trial, the same should happen in this case too, even though the entire brief is almost made up of errors of all the officials in all the 6 cases, in which they all tried to duck the apparent truth that "14/2" is still not enforced.

J25 - As in the two class action suits where the original plaintiffs dropped out and certiorari was granted, this case is also not moot until "14/2" is enforced.

THE FACTS IN THE CASE

F1 - As was discussed under the reasons why Certiorari should be granted and why the Supreme Court has jurisdiction, this case was brought against Elizabeth Holtzman, not to punish her, but to vindicate my rights under a Declaratory Judgement that Chief Justice Burger in the Duke Power cases claims "it expands the scope of available remedies", that neither the District or 2nd Circuit court discussed in either of their two opinions, that the Supreme Court, the court of last resort should write about and expand on in this case after granting certiorari.

F2 - To raise the necessary Art. III, "case or controversy", to have "standing?", since I am a"21 year old male citizen", as stated three times in one sentence in Section 2 of the 14th Amendment, I brought this timely, pre-election suit against Elizabeth Holtzman, to ask for an Injunction, to stop her from running because she is a "she" and not a "he" as required by the Constitution of the United States under Art. 1, Sec. 2. Cl. 2., which prohibition in the same exact words, now prohibits her from running for United States Senator, that she is doing now, under under Art. 1, Sec. 3, Cl. 3., that combines both prohibitions together in Art. 1., Sec. 6., Cl., 2., that is discussed on page 32 of this brief, that District Judge Platt on page 3, of his opinion writes, "On its face, this clause does indeed use the masculine pronoun "he", and then cites State judicial decisons he claims amend the constitution, that any first

year law student knows that the Art. V procedure is the only way the constitution can be amended. Judge Platt unashamedly then cites the then erroneous, and now unconstitutional 1937 case of Breedlove v Suttles, 302 U.S. 277, that is entirely on my side for enforcing "14/2" of a man who was denied the right to vote, in Jimmy Carter's home State of Georgia, for refusing to pay the vicious cumulative past due poll tax outlawed by the XXIV Amendment, ratified on January 23, 1964, that Platt dares to cite in 1979, without shame, that still does not change the constitutional command that a "she" has to be a "he" to run for Representative or Senator, or President or Vice-President for that matter too, as anybody can read, who can read.

F3 - The right to vote of the XIX Amendment, confers only the right to vote and not to run or hold office, from Jeannete Rankin's election to the House in 1917, to Alf Landon's daughter Ms. Kastenbaum (she got divorced after her) election to the Senate, in 1978.

The right to vote does not give one the right to hold office, not even men. To be a Representative one needs to be 25, and 7 years a citizen; for Senator 30, and 9 years a citizen; for President 35, and nowanatural born citizen, under Arts. II, Sec.1., Cl. 6.,; Art. 1., 1, Sec. 3, Cl. 3., and Art. 1, Sec. 2, Cl., 2., in that inverse order, so that even if a man has the right to vote, he can not run for or hold any one of these offices ever, if he does not fit these requirements, which is why Henry Kissinger and Franklin D. Roosevelt Jr., both foreign born, can't run for President. though they can vote but not run.

F4 - And women can not run for any of these offices unless an Art. V constitutional amendment is passed, Judge Platt to the contrary not withstanding. That is why Elizabeth Holtzman sponsored the legislation to extend for three years the Equal Rights Amendment, that she objects to, to being heard by an Elder of the Mormon Church who excommunicated a woman who was subsequently divorced, for fighting to have the Equal Rights Amendment ratified, which Elder sits on the Court of Appeals, that is to hear the case, as to whether a three year extension, not passed by Art. V "two-thirds" is constitutional or not, that the Supreme Court is sure to get, that could be part of this case, that is not moot, even though Elizabeth Holtzman is not running for re-election as a Representative, but now runs for election as a Senator which has that equally restrictive constitutional command prohibiting a "she" from seeking a seat reserved exclusively under the constitution, for a "he". The Mormon Church does not let women get ordained. The Catholic Bishops do not let women become priests. The Jewish Theological Seminary does not ordain women rabbis. When men have transexual operation, they suffer the same fate of all other women, suffering a reduction in income, and without the passage of the Equal Rights Amendment, all these indecent inequities, and constitutional ability to run for and hold a federal office will continue, that the court ought to grant certiorari to, to give impetus to getting the Equal Rights Amendment approved, if they want to keep sleeping with

their wives.

F5 - Right now in Wrightsville, Georgia, Jimmy Carter's home State where the Census Bureau has always been suspicious of the true honest voting statistics, the F.B.I. is investigating the intimidating race riots allegedly led by the sherriff of Wrightsville, Georgia, which brings us to the second point of bringing my suit against Elizabeth Holtzman, that is cited on page 1, of this brief, to enforce Section 2 of the 14th Amendment, the only unenforced and existing apportionment command in existance in our present day constitution, especially since Elizabeth Holtzman's congressional district is sighted in the 1975 Voting Act for federal surveillance and supervision, although most of the federal voting supervision and surveillance is in the south, where voting denial and abridgement most abounds and was feared to abound, which is why "14/2" was written in the first place, almost single handidly by Republican Representative John Bingham, of Chio, in 1866, maybe the second most important Representative to ever sit in the House, next to James Madison, the guiding light for writing the Bill of Rights, that takes up so much time of the court today. And since the 13th, 14th, and 15th Amendments, are the political extensions of the Bill of Rights, especially "14/2", the court should grant certiorari and hear this case, and decide maybe for the first time, the meaning and scope of the Sept. 12, 1976, 28 U.S.C. 2284(a) Three Judge statute challenging an unconstitutionally apportioned congressional district, from which Elizabeth Holtzman was illegally elected from.

F6 - If the aforementioned Gannett v DePasPasquale was not moot, although all defendants had in the first instance pleaded guilty to a lesser count, and the Gannet newspapers, who had never been granted "standing" from beginning to the end could get a ruling on the merits, than even though Holtzman is no longer, atleast for now running for election as a Representative, the fact that there are women who are going to run for election to the House, should be cause enough to have this case heard if for no other reason than to emph- asize the need for ratifying the Equal Rights Amendment, to make women eligible to hold federal offices, (even Judgeships?) and get equal pay for equal work, etc. et. etc.
And just as in the Adam Clayton Powell v McCormack case, that skipped a term of Congress, the Court held, "This litigation is justiciable because the claim presented and the relief sought can be judicially resolved; 395 U.S. 486, pgs. 516-18, in the June 16, 1969 (my anniversary) date, that again quotes alot of Baker v Carr, that cameput of Arthur T. Vanderbilt's book I sent to all the members of the court including William J. Brennan, before he wrote the decision.
And at page 517 of the Powell v Mc Cormack opinion, it states what I claim the District and 2nd Circuit Court should have done and didn't do that the Supreme Court should do now, after granting certiorari and declare what my rights are,
The Declaratory Judgement Act, 28 U.S.C. 2201, provides that a district court may declare the rights...of any interested party... whether or

not further relief is or could be sought . The availability of declaratory relief depends on whether there is a live dispute between the parties."..."and a request for declaratory relief may be considered independently of whether other forms of relief are appropriate....We thus conclude that in terms of the general criteria of justiciability, this case is justiciable.", Chief Justice Earl Warren wrote, which is likwise true, in this case of Sharrow v Holtzman, as stated in so many analogous cases cited before citing a "case or controversy" of male v female, or the adjudication of many apportionment suits, and Three Judge Court suits, now that a Three Judge Court 2284(a) must be convened when challenging a congressional district not apportioned under "14/2" as admitted by Census Director, Dr. George H. Brown, that seems to foreclose any judicial contrary decision, unless the courts can show that the denial and abridgement sections of the Right to Vote of the 1965 Voting Rights Act, and 1975 Voting Rights Acts have stopped, which of course have not, since even dilution of the right to vote, as in Mobile, Alabama, though not an outrighit, denial, is encompassed in the dictionary definition under "abridged" which word appears in "14/2", in the 15th Amendment, in the 1965 and 1975 Voting Rights Act, and in the First Amendment as "abridging", meaning no diminution, no contracting, no compressing, no diluting, no reduction, no condensing, no abbreviation, no curtailing, no lessening, no shortening, no nothing, but the fullest FREEDOM, to vote—unabridged

F7 - The 2nd Circuit Court of Appeals decision of Nov. 5, 1979 is even worse than Judge Platts errors, which I wrote them, in requesting an Oral Rehearing En Banc, that was denied January 4, 1980, revoked as a nullity January 14th, and denied again 27 days later, and finally on January 31, 1980, from which date this Petition for Certiorari starts its 90 day period, although because of the poor mail delivery it should begin on February 6, 1980, 7 days later, when I got it, just as I got mail from Ms. McFarland of the Supreme Court, 21 days from the date she verbally told me on the phone she sent it, when she called me personally at home talking for more than 35 minutes, all of which would not have been necessary if all "legal?" rules, including those of the Supreme Court were written, clearer, and more concise.

Second Circuit Judges Moore, Oakes, and Newman, made up such false "straw men" as to say I sought ratification(?)(i.e. a legal impossibility) of the constitutionality of the extension of time in which to ratify the Equal Rights Amendment." and cites pages that say no such thing.

And then the court writes the exact diametric opposite of what I so clearly and forcefully write, putting words into my mouth I never said or wrote, "Appellant vigorously denies that he is seeking a ruling that Congresswoman Holtzman is ineligible to hold public office because she is a woman." - diametrically opposite to what I wrote then, or now, or said verbally, that they never heard or read??

F8 - The 2nd Circuit s reaching back to the 1875 case of Minor v Happersett 88 U.S. (21 Wall.) 162, written 7 years after the 1868 ratification of the 14th Amendment, that said three times in one sentence that only MALE, 21 year old citizens could vote, and when a "she" could not run for a federal office to be held by a "he", when primogeniture still flourished, especially in the south did not, ipso facto make "the counting of females for purposes of determining the apportionment of representatives is clearly proper." as the 2nd Circuit erroneously write on page 2. Women could not be denied or abridged" in their right to vote, the phrase that superceded "three-fifths of all other persons", because as anyone who can read, can read, women could not vote anyway, so the denial and abridgement of the right to vote had nothing to do with with women but only 21 year old MAIE citizens, so Minor v Happersett, has absolutley, nothing to do with this case.
The 2nd Circuit citing of the 1968 case of Williams v Rhodes, 393 U.S. 23, 29 "may to that extent be taken as amending the Fourteenth Amendment, Section 2;"Shows a total unawareness of the denial and abridgement of the right to vote apportionment provision and the 19th Amendment right to vote "on account of sex", as discussed before, that need not be rehashed now except to point out that nowhere in the 19th Amendment is apportionment mentioned, but only the right to vote, and as written before, the right to vote, run for or hold office, and apportionment are separate constitutional entities.

F9 - The entire decision written about men v women ratio of voting appears no where in my writings, or my verbal presentation, and is a horrible fabrication, of shooting down their own, man made "straw-men dishonesty.

F10 - The last paragraph, page 3 of the Second Circuit decision is a total absurdity, wherein they write, "In any event, appellant has not shown how a court order as to appellee could effect or in anyway affect re-apportionment. We cannot unseat appellee, we cannot order her to make a reapportionment, we cannot even order her to vote for extending the E.R.A. deadline."
Did the judges think E.R.A. meant the baseball term, Earned Run Averages? If they didn t know that Elizabeth Holtzman had already sponsored and voted to "extending the E.R.A. deadline", the only reason they did not know is because they did not read what I wrote, as I am so firmly convinced is the truth, after almost 20 years of such shabby reading. If the courts could command the seating of Adam Clayton Powell, then the opposite, of unseating under equity and law is true, if a member of Congress does not meet the Constitutional requirements to fit the job. If a citizen could prove a Representative, or Senator was not a citizen, or under age, or not an inhabitant of the State for the designated period, that person should be removed from office. Rush D. Holt of West Virginia did not take his Senate seat because he was not 30 years of Age. Vermont ' s U.S. Senator Stafford of Vermont was elected a Presidential Elector in 1976 in defiance of Art.II, Sec. 1., Cl. 2.,

'but no Senator or Representative or Person holding an Office of Trust of Profit under the United States, shall be appointed an Elector.', and stupid Senator Stafford was removed as an elector. What does the court mean they can not remove an illegally elected person? They can and it has been done. A N.Y.C. illegally elected Long ... A court order as to appellee could affect apportionment, if it were declared she was not elected from a congressional district apportioned under "14/2" and a Declaratory Judgement stating the Plaintiff was DENIED HIS RIGHT TO VOTE FOR HIS CONSTITUTIONAL APPORTIONMENT OF REPRESENTATIVES AND PRESIDENTIAL ELECTORS, would politically explosively affect Congressional action, unless the court has less faith than I have in the honesty, loyalty and integrity of Congressional constitutional courage of their oath taken convictions.
I did not sue her in her capacity as a member of the House Judiciary Committe whose bailawick, it is to write apportionment legislation after she voted to Impeach Nixon, so I never asked the court, that again put words in my mouth to, "order her to make a reapportionment."
Both the District and Circuit Court could have contained their writings to what I still want the Supreme Court to do now, and constitutionally clarify exactly and specifically, what has been granted to others, that I requested in the very inception of, 1-A show Cause Order, 2-Default Judgement, 3-DeClaratory Judgement, 4-3 Judge Court, and 5-Injunction, which was done.

SOME VERY SIMPLE QUESTIONS

Q1 - "Doesn't Anybody Obey Or Respect The Law?" was the title of my Law School Senior Law Note, that I am still seeking the answer to even after 20 years and 6 suits trying to enforce Section 2 of the 14th Amendment.

Q2 - If the 13th Amendment prohibits "involuntary servitude" how can Judges issue Injunctions, with double penalties under New York's Taylor law make people work, and never issue injunctions against the bosses administrators, or governmental officials, or in this diametrically opposite case, issue an injunction, against Holtzman, not to work, which would not violate the 13th Amendment, commandment, against involuntary servitude, to be made to work, or involuntary servitude, to be drafted into the army, especially during peace time.

Q3 - As Senator Berch Bayh said, when a constitutional amendment to have a balanced budget during peace time during "undeclared wars", like in Korea, and Vietnam, was defeated, how can a 13th Amendment violation of involuntary servitude like a draft be enforced when there is no declared war, which could have saved untold lives, billions of dollars, if we had a war, and nobody showed up, to prevent the ensuing years of inflation, that always follows?

Q4 - And the last, coverall question is, "What is the Supreme Court going to do to grant certiorari and jurisdiction, to rectify the "due process" procedural errors, and violations of law and punishment inflicted on a learned courageous correct citizen?

AFFIDAVIT OF SERVICE

Three copies of the brief will be served on defendant Elizabeth Holtzman, and three copies of the brief will be served on the Solicitor General, U.S. Department of Justice, Washington, D.C. 20530, although this is a private party citizen suit, in which the government is not a party, and can not represent Elizabeth Holtzman, as the Attornies of the House of Representatives did, for which they should be legally reprimanded, and punished, and if need be financially too, to defraud the taxpayers for their time, services and expenses, that they are not to have done under the clearly defined, curtailed statutory authority deliniating their duties, which does not include, representing private citizens suits, in or out of Congress on government time.

I will also send three copies of the accompanying Xeroxed material of what must be erroneous, if not fraudulent, docket sheets from both the District and Court of Appeals, that typing duplicating could not reveal, together with the very up to the minute articles showing the harsh monetary damages New York will suffer, which could be diminished with more rather than less national Representatives, and Presidential Electors, after New York lost 2 of each in 1950, 2 more in 1960, 2 more in 1970, for a total of 6, for a further loss of 4 or 5 more in 1980, losing 10 or 11, or more loss than any State in the Union has ever suffered since the first apportionment and three times as big a loss, as Delaware, Nevada, and Wyoming have all together, which is certainly a good reason why certiorari should be granted - Now..

Respectfully submitted,

Victor Sharrow

VICTOR SHARROW - Pro-Se
Crompond, N.Y. 10517
tel. 914-528-5819
$100.00 check filing
fee enclosed

4/25/80

Sworn to before me
this 25th day of
April, 1980.

Bertram J. Rothman

BERTRAM J. ROTHMAN
NOTARY PUBLIC, STATE OF NEW YORK
No. 60-3376990
QUALIFIED IN WESTCHESTER COUNTY
Comm. Expires March 30, 1981

APPENDIX

November 5, 1979 decision of the Second Circuit Court of Appeals, in 79-7252

At a stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 5th day of November, 1979, Present, Hon. Leonard P. Moore, James L. Oakes, Jon O. Newman Circuit Judges,

Victor Sharrow - Appellant

v

Elizabeth Holtzman - Appellee,

ORDER

Appeal pro se from an order of the United States District Court for the Eastern District of New York dismissing a complaint. The graveman of the complaint is that appellant was "denied (his) right to vote for (jos) constitutional apportionment of Representatives, and therefore Presidential Electors as well," with the suggestion that his congressional district was "not convened under the mandatory apportionment ratio of Section 2 of the 14th Amendment."(Brief on Appeal 3.) He seeks convening of a three-judge court under 28 U.S.C. 2284 (footnote 1. See also Sharrow v Brown, 447 F. 2d 94 (2d Cir., 1971), cert. denied. 405 U.S. 968 (1972); United States v Sharrow, 309 F2d 77 (2d Cir. 1962).) He also seeks ratification of the constitutionality of the extension of time in which to ratify the Equal Rights Amendment(Brief on Appeal 11); see also 12). And he challenges the 1929 Apportionment Act. Appellant vigorously denies that he is seeking a ruling

that Congresswoman Holtzman is ineligible to hold public office because she is a woman.

The only ground that we can read into the complaint insofar as it claims nonenforcement of Section 2 of the 14th Amendment is that as a "male inhabitant" of New York appellant s right to vote has been abridged" by virtue of the fact that female inhabitants are permitted to vote, because apportionment under the first sentence of that section is "according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." (Emphasis added)"Persons" includes male and female persons, just as "citizens" does, so that the counting of females for purposes of determinging the apportionment of representatives is clearly proper. See generally Miner v Happersett 88 U.S.(21 Wall.) 162(1875). Women further now have the right to vote by virtue of the 19th Amenment, Williams v Rhodes, 393 U.S. 23,29, (1968) which may to that extent be taken as amending the 14th Amendment Sec. 2. Moreover, even if this were not true, appellant has in no way indicated that permitting women to vote nationwide, or counting them for reapportionment purposes, in any way results in apportionment discrimination to New York, since so far as appears from the record the ratio of men and women over the age of 18 years, (26th Amendment) is approximately the same from state to state. See also Sharrow v Brown, 447 F. 2d 94, 97 (2d Cir. 1971), cert. denied. 405 U.S.968 1972.

In any event, appellant has not shown how a court order as to appellee could effect or in any way affect reapportionment. We cannot unseat appellee, we cannot order her to make a reapportionment, we cannot even order her to vote

for extending the E.R.A.deadline.
Judgment affirmed.

signed: Leonard P. Moore
James L. Oakes
Jon O. Newman
Circuit Judges

The First order of denial of a requested Oral Rehearing En Banc dated January 4, 1980, is signed by Chief Judge Irving Kaufman, doesn't appear in the "doctored" Docket sheet.
On January 14, 1980, A. Daniel Fusaro, the Clerk of the 2nd Circuit Court of Appeals wrote, about the January 4th order, "This Order is a complete nullity and the suggestion for rehearing en banc is still pending," Also does not appear in the "doctored" Docket sheet.
The final January 31, 1980 denial also signed by Chief Judge Irving Kaufman, was not received until February 6, 1980. It does not take 7 days for mail to go 35 miles, or else time should be added since the response I got from Ms. McFarland from the Supreme Court took 21 days beyond my time to file my similar brief in Sharrow v Fish.

All of the above is being Xeroxed together with the Docket sheet that is doctored according to the discoloration, that does not have these crazy entries, just as I'm Xeroxing and sending along the Judge Platt District Court Decision, and Docket sheet, that doesn't have the $250.00 bond entry, for which I have the cancelled check, and other inaccuracies, that the Supreme Court ought to know about to rectify the lower courts careless, or fraudulent irregularities.